UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,802	02/06/2002	Alvin Wong	426882004000	2854

7590 12/18/2003	EXAMINER

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EXAMINER
STIMPAK, JOHNNA

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	10/071,802	WONG, ALVIN
	Examiner	**Art Unit**
	Johnna R Stimpak	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

    4a) Of the above claim(s) *32-46* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *April 18, 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1.   The following is a first Office Action upon examination of application number.

Claims are pending and have been examined on the merits discussed below.

Oath/Declaration

2.   .   The oath or declaration is defective. A new oath or declaration in compliance

with 37 CFR 1.67(a) identifying this application by application number and filing date is

required. See MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because:
> The specification to which the oath or declaration is directed has not been
> adequately identified. See MPEP § 601.01(a).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

4.   **Claims 1-8 and 24-31** are rejected under 35 U.S.C. 102(b) as being anticipated by

Martin et al, US 5,960,408.

As per **claim 1**, Martin et al teaches storing purchase order data in a data base

(column 2, lines 35-37); and generating on time performance reports from the purchase

order data, the on time performance reports including a number of orders delivered on

time by a first supplier with respect to each of a plurality of start point / end point pairs

(column 4, lines 51-67 – on time performance reports are generated based on delivery

dates between the customer and the supplier (start point / end point).

As per **claim 2**, Martin et al teaches the on time performance reports also include

a number of line items delivered on time by the first supplier with respect to each of the

plurality of start point / end point pairs (column 5, lines 25-32 – chart shows the inclusion

of line items for measuring the on time performance).

As per **claim 3**, Martin et al teaches the number of orders delivered on time is a

percentage (column 5, lines 6-32 – shows the report format including percentage on-

time).

As per **claim 4**, Martin et al teaches the number of orders delivered on time is a

percentage and the number of line items delivered is a percentage (column 5, lines 6-32 –

shows the report format includes percentage on-time for the number of units shipped and

also in terms of line items).

As per **claim 5**, it is the system with executable code for performing the method

of claim 1 therefore the same rejection as applied to claim 1 also applies to claim 5.

As per **claim 6**, it is the system with executable code for performing the method

of claim 2 therefore the same rejection as applied to claim 2 also applies to claim 6.

As per **claim 7**, it is the system with executable code for performing the method

of claim 3 therefore the same rejection as applied to claim 3 also applies to claim 7.

As per **claim 8**, it is the system with executable code for performing the method

of claim 4 therefore the same rejection as applied to claim 4 also applies to claim 8.

As per **claim 24**, it is the system with means for performing the method of claim 1

therefore the same rejection as applied to claim 1 also applies to claim 24.

As per **claim 25**, it is the system with means for performing the method of claim 2

therefore the same rejection as applied to claim 2 also applies to claim 25.

As per **claim 26**, it is the system with means for performing the method of claim 3 therefore the same rejection as applied to claim 3 also applies to claim 26.

As per **claim 27**, it is the system with means for performing the method of claim 4 therefore the same rejection as applied to claim 4 also applies to claim 27.

As per **claim 28**, it is the computer program in an electronically readable medium with executable code for performing the method of claim 1 therefore the same rejection as applied to claim 1 also applies to claim 28.

As per **claim 29**, it is the computer program in an electronically readable medium with executable code for performing the method of claim 2 therefore the same rejection as applied to claim 2 also applies to claim 29.

As per **claim 30**, it is the computer program in an electronically readable medium with executable code for performing the method of claim 3 therefore the same rejection as applied to claim 3 also applies to claim 30.

As per **claim 31**, it is the computer program in an electronically readable medium with executable code for performing the method of claim 4 therefore the same rejection as applied to claim 4 also applies to claim 31.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 9-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Martin et al.

As per **claim 9**, Martin et al teaches summarizing the number of orders shipped and the number of orders on time and calculating the number of on time deliveries based on customer orders and delivery dates (column 5, lines 6-34) but does not explicitly teach, for a first and second subset of the plurality of records, storing in a database summarized purchase order data from a plurality of buyers, the summarized purchase order data comprising a plurality of records, each record in the plurality of records including a supplier, a buyer, a one of a plurality of start point / end point pairs for measuring on time delivery, a number of orders placed, and a number of orders delivered on time. Martin et al generates reports for each customer to convey the number of orders placed and the number of orders delivered on-time in terms of shipments or line items. It would have been obvious to one of ordinary skill in the art to generate a database with the summarized purchase order data for each customer containing the number of orders placed and number delivered on time, as well as, the supplier, the buyer, and the start/end point pairs used to measure the on time delivery to enable the user to more accurately evaluate the on-time performance of shipments between customers and suppliers.

As per **claim 10**, Martin et al does not explicitly teach for a third subset of the plurality of records, each record in the third subset including the first of the plurality of start point / end point pairs, the first supplier, and a first of the plurality of buyers, summing together the numbers of orders placed included in each record of the third subset to obtain a third total number of orders, the third total number of orders being a number of orders placed by the first buyer with the first supplier for which the first start point / end point pair is used to measure on time delivery; for the third subset of the plurality of records, summing together the number of orders delivered on time to obtain a

number of the third total number of orders that were delivered on time; and reporting to

the plurality of buyers the third total number of orders and the number of the third total

number of orders that were delivered on time. Martin et al teaches summing together the

number of orders placed to measure on time delivery and obtaining a number of the

orders that were delivered on time for each customer (column 5, lines 1-34). Although

Martin et al does not explicitly teach generating the total number of orders that were

delivered on time for a third subset of the records, it would have been obvious to generate

a database showing, for each order placed between a customer and supplier, all the

information to generate the on time performance to allow the user to more accurately

evaluate the on time performance of shipments between several combinations of

suppliers and customers.

As per **claim 11**, Martin et al teaches calculating, for each customer, the number

of orders that were delivered on time and coming up with a percentage on-time

comprising dividing the number of the first total number of orders that were delivered on

time by the first total number of orders and multiplying the result by 100 (column 5, lines

1-34 – total units shipped / on-time units = percentage on time).

As per **claim 12**, Martin et al teaches calculating, for each customer, the number

of orders that were delivered on time and coming up with a percentage on-time

comprising dividing the number of the first total number of orders that were delivered on

time by the first total number of orders and multiplying the result by 100 (column 5, lines

1-34 – total units shipped / on-time units = percentage on time).

As per **claim 13**, Martin et al teaches the third subset of the plurality of records

consists of a single record (column 5, lines 1-5 - the method can be used for each

customer which would correlate to a single record per customer).

As per **claim 14**, Martin et al does not explicitly teach for a third subset of the

plurality of records, each record in the third subset including a first of the plurality of

start point / end point pairs and a second supplier, summing together the number of orders

placed included in each record of the third subset to obtain a third total number of orders,

the third total being a total number of orders placed with the second supplier for which

the first start point / end point pair is used to measure on time delivery; for the third

·subset of the plurality of records, summing together the number of orders delivered on

time included in each record of the third subset to obtain a number of the third total

number of orders that were delivered on time; and reporting to the plurality of buyers and

the plurality of suppliers the first total number of orders, the number of the first total

number of orders that were delivered on time, the second total number of orders, the

number of the second total number of orders that were delivered on time, the third total

number of orders and the number of the third total number of orders that were delivered

on time. Martin et al teaches summing together the number of orders placed to measure

on time delivery and obtaining a number of the orders that were delivered on time for

each customer (column 5, lines 1-34). Although Martin et al does not explicitly teach

generating the total number of orders that were delivered on time for a first second or

third subset of the records, it would have been obvious to generate a database showing,

for each order placed between a customer and supplier, all the information to generate the

on time performance to allow the user to more accurately evaluate the on time

performance of shipments between several combinations of suppliers and customers.

As per **claim 15**, Martin et al teaches summing together the number of line items

included in each record of the first subset to obtain a first total number of line items

ordered from the first supplier for which the first start point / end point pair is used to

measure on time delivery; summing together the number of line items delivered on time

to obtain a number of the first total number of line items that were delivered on time; and

reporting to the plurality of buyers the total number of line items and the number of the

total number of line items that were delivered on time (column 5, lines 1-34 – the on time

percentage is calculated for line items as well as shipments).

As per **claim 16**, Martin et al teaches dividing the number of the total number of

orders that were delivered on time by the total number of orders and multiplying the

result by 100 (column 5, lines 1-34 – total units shipped / on-time units = percentage on

time – this is calculated for each customer who places orders).

As per **claim 17**, Martin et al teaches dividing the number of the total number of

orders that were delivered on time and multiplying the result by 100; and dividing the

number of the first total number of line items that were delivered on time by the first total

number of line items and multiplying the result by 100 (column 5, lines 1-34 – total units

shipped / on-time units = percentage on time – this is calculated for both shipments and

line items for each customer who places orders).

As per **claim 18**, is the system with executable code for performing the method of

claim 9 therefore the same rejection as applied to claim 9 also applies to claim 18.

As per **claim 19**, is the system with executable code for performing the method of claim 10 therefore the same rejection as applied to claim 10 also applies to claim 19.

As per **claim 20**, it is the system with executable code in an electronically readable medium for performing the method of claim 11 therefore the same rejection as applied to claim 11 also applies to claim 20.

As per **claim 21**, it is the system with executable code in an electronically readable medium for performing the method of claim 12 therefore the same rejection as applied to claim 12 also applies to claim 21.

As per **claim 22**, it is the system with executable code in an electronically readable medium for performing the method of claim 14 therefore the same rejection as applied to claim 14 also applies to claim 22.

As per **claim 23**, it is the system with executable code in an electronically readable medium for performing the method of claim 15 therefore the same rejection as applied to claim 15 also applies to claim 23.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krichilsky et al – US 6,530,518 – method system and storage medium for viewing product delivery information.

Schneider et al – US 4,887,208 – inventory sales control system

Van Abeelen et al – US 6,499.657 – analyzing product delivery customers

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Johnna R Stimpak whose telephone number is 703-305-

4566. The examiner can normally be reached on M-F 8am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the

organization where this application or proceeding is assigned is 703-746-7687.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

1113.

Js
December 8, 2003

TARIQ R. HAFIZ
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